

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Richmond Division**

UNITED STATES OF AMERICA	)	
	)	
v.	)	Criminal No. 3:17CR89–HEH
	)	
DELFINO NATALIO DE LEON-	)	
RAMIREZ,	)	
	)	
Defendant.	)	

**ORDER**

THIS MATTER is before the Court on the Report and Recommendation of the United States Magistrate Judge (“R&R,” ECF No. 25), as to the Defendant’s Motion to Dismiss the Indictment (“Motion to Dismiss,” ECF No. 8). Defendant argues that the prosecution is time-barred because the five-year statute of limitations period has run.

The Court referred this matter to the Honorable David J. Novak, United States Magistrate Judge, pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B) and (C). Judge Novak entered a Report and Recommendation on October 11, 2017. Judge Novak recommended that “Defendant’s Motion to Dismiss the Indictment (ECF No. 8) be DENIED.” (R&R 24.)

Each party was forwarded a copy of the R&R, which advised them of the right to file written objections within 14 days of being served with a copy of the R&R. 28 U.S.C. § 636(b)(1)(B); (R&R 24). On October 24, 2017, Defendant filed objections to the R&R. (“Objections,” ECF No. 26.) Specifically, Defendant “object[ed] to the Magistrate Judge’s conclusion that ‘Defendant’s fugitive status tolled the five-year statute of

limitations,' and the recommendation that this Court deny the Defendant's Motion to Dismiss." (Objections 1.) On October 30, 2017, the Government filed a Response to Defendant's objections. ("Response," ECF No. 27.)


Subsequent to the filing of the Objections and the Response, the parties negotiated an agreement whereby Defendant would plead guilty to the Indictment while preserving his right to appeal certain issues in the case. In order to expedite such appeal and to facilitate the plea agreement, the parties request that the Court adopt the R&R over the objections filed by Defendant. Further, the parties stipulate that a hearing on the subject or any additional briefing is unnecessary.

The Court has conducted a *de novo* review of the Objections. Finding no error, the Court:

- 1) ADOPTS the Report and Recommendation, (ECF No. 25);
- 2) OVERRULES Defendant's objections to the Report and Recommendation, (ECF No. 26); and
- 3) DENIES Defendant's Motion to Dismiss the Indictment and the Supplement thereto, (ECF Nos. 8, 20).

The Clerk is DIRECTED to send a copy of this Order to all counsel of record.

It is so ORDERED.

 /s/  
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Henry E. Hudson  
United States District Judge

Date: **Nov. 7, 2017**  
Richmond, VA